

Präsentation von der israelischen Menschenrechtsorganisation B'Tselem auf der Tagung „Ist Frieden möglich? Zur Situation der Menschenrechte in Nahost“ vom 1.-3. Juli 2016 in Bad Boll, gezeigt von Danya Cohen, B'Tselem:

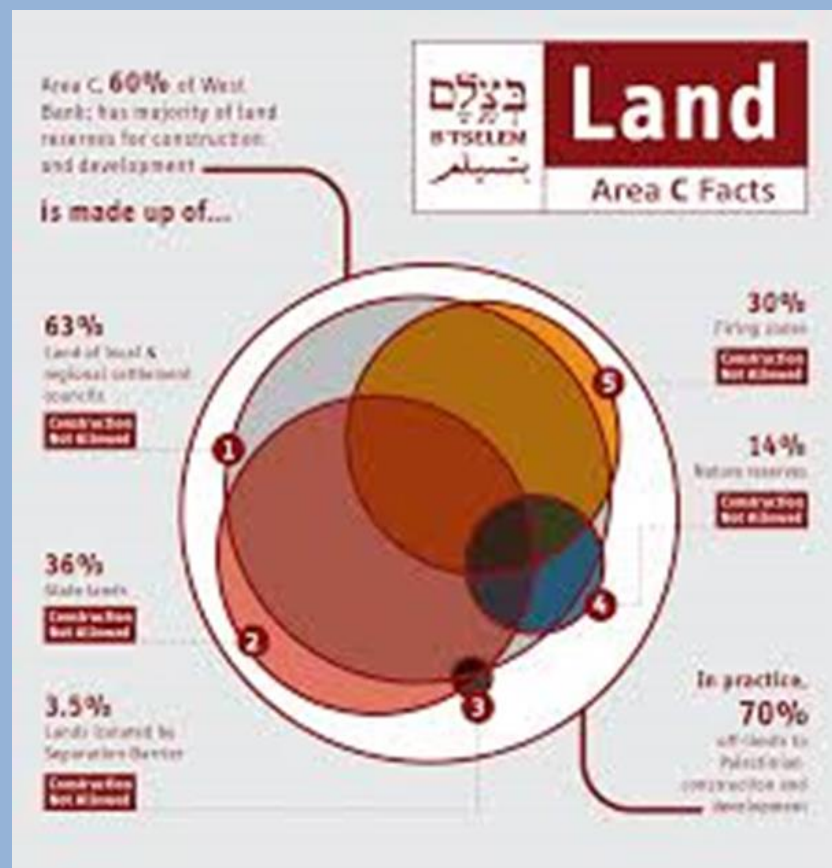
“17989 Days – Almost 50 Years of Occupation”



A year from now, Israel's occupation of the West Bank and Gaza Strip will mark its fiftieth anniversary. A third, even fourth, generation of Palestinians and Israelis have been born into this reality, and it is the only one they know.

In 1967, all Palestinian residents of the Occupied Territories had the same status. Since then, Israel has annexed thousands of hectares, declared the Gaza Strip a “hostile entity”, and signed the Oslo Accords, which divided the West Bank into dozens of disconnected enclaves. These areas, all under Israeli control, now function as discrete units that differ based on how Israel defines them, what it plans for them, and the status of their residents.

While the Oslo Accords and Israel's military withdrawal from Gaza may have created the impression that Israel's hold over the Palestinian territories is waning, fragmentation of these territories entrenched Israeli control over all Palestinians living in the West Bank (including East Jerusalem) and Gaza. These residents have no part in decisions made by the state that runs their lives and controls their future.



The Gaza Strip

In 2005, Israel completed its 'disengagement' from Gaza: It evacuated all settlements there, withdrew the military, and declared the end of its military rule in Gaza. In September 2007, after Hamas took control of Gaza, Israel declared the area a "hostile entity", a status equivalent to that of an enemy country. Israel claims that other than fulfilling the barest humanitarian obligations necessary to prevent a severe crisis, it bears no responsibility for, or duties toward, the population.





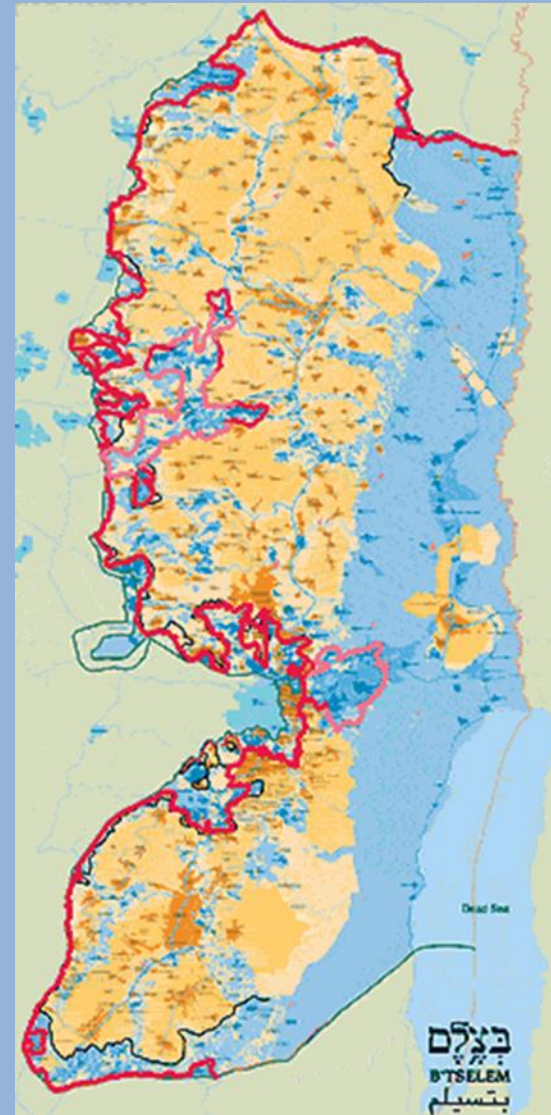
Although Israel has no permanent military presence within Gaza, it retains control over all border crossings except Rafah Crossing, which is under Egyptian control. Israel also controls Gaza's sea and air space, and forbids Palestinians to build an airport or seaport. Israel has virtually complete control of all movement of people and goods in and out of Gaza. Any entry into Gaza or exit from it – whether to Israel, the West Bank or third countries via Israel – requires a permit from Israeli authorities. Israel has used its control over the crossings to impose a blockade on Gaza since June 2007. It prohibits residents from leaving Gaza other than in exceptional circumstances. The blockade has led to the collapse of Gaza's economy, with most factories and hundreds of businesses shutting down. Its impact can be seen in reduced food security, widespread dependency on humanitarian aid, and some of the highest unemployment rates in the world.

The West Bank

In the Oslo Accords, the West Bank was divided into three types of areas:

- Areas A and B: Built-up Palestinian areas at the time the accords were signed, and where most of the Palestinian population lives. They were formally handed over to full or partial control of the Palestinian Authority. Together, Areas A and B are 40% of the West Bank. They are not contiguous but consist of 165 fragments scattered throughout the West Bank, forming “islands” surrounded by Area C.

- Area C: The rest of the West Bank, which remains under full Israeli control. This area is contiguous, engulfing the enclaves defined as Areas A and B. It is 60% of the West Bank. This is where the land reserves of the Palestinian communities are located, and Israeli settlements.



The division of the West Bank was meant to remain in effect for five years only, until a permanent agreement was to be signed. However, it is still enforced by Israel more than 20 years later.

This fragmentation fails to answer the needs of the Palestinian population for urban and regional development, and denies any prospect of economic growth.

It also creates the illusion that the Palestinian Authority is the body responsible for the lives of most Palestinian residents in the West Bank; in truth, any decision the Palestinian Authority makes, however insignificant, necessitates the consent of the Israeli authorities.



East Jerusalem

In June 1967, immediately after the war, Israel annexed about 7,000 hectares of West Bank territory to the municipal borders of Jerusalem, applying Israeli law there in breach of international law. Residents of the annexed area were given permanent residency status in Israel, which enables them to move freely throughout Israel and gives them access to Israel's social security system and state health care. However, they have never been treated as having equal rights.

Since Israel annexed East Jerusalem, the Israeli authorities have implemented discriminatory policies toward Palestinian residents and taken measures to increase the number of Jewish residents while reducing the number of Palestinians.

The purpose of this policy is to manufacture a demographic and geographic reality that would prevent any future attempt to question Israel's sovereignty over East Jerusalem. The authorities have confiscated hundreds of hectares from Palestinians and built 12 neighborhoods designated for Jews only on the annexed territory. In terms of international law, the status of these neighborhoods is no different than that of settlements in the rest of the West Bank.



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Water crisis

Palestinians living in the West Bank suffer from a water shortage due to Israeli policy that limits water supply throughout the year, and more so during the summer months. The shortage is particularly acute in communities that live in Area C and are unrecognized by Israel, and therefore, are not able to connect to the water supply system. Many of these communities live in the Jordan Valley, in close proximity to Israeli water drills. Their residents, who in some cases live just a few meters away from Israeli drilling and pumping stations, watch with desperation as water flows almost exclusively to the settlements in the area, while they are forced to procure water in complicated and expensive ways.



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These ways include purchasing water tanks at triple or more the cost paid by Israelis, who are connected to Mekorot (Israel's national water company), and hauling them by tractor; collecting rain water; or pumping from natural springs and reservoirs. Residents face obstacles with these alternatives as well, as the Israeli authorities confiscate equipment and block access to natural water sources.



Spring water reservoir slated for demolition in Khirbet al-Malih. Photo: 'Aref Daraghmeh, B'Tselem, 14 June 2016



Thousands of Palestinians in Area C face threat of expulsion from their homes

In 2011 the Civil Administration published a plan designed to "provide a permanent solution for the residence for the Bedouin population". The plan applies mainly to Bedouin communities in the Jordan Valley and the Ma'ale Adumim area, and included the establishment of permanent communities in the Jordan Valley. The Civil Administration plans to establish "permanent sites" for the relocation of Bedouin communities in the West Bank. According to the Civil Administration, the plan's objective is to improve the standard of living of these communities and to provide proper housing conditions. The plan was drawn up without consulting the residents at all, irrespective of that fact that it dictates an extreme change in their lifestyle and methods of obtaining a livelihood.

Area of Ma'ale Adumim: In the 1980s and 1990s, the Civil Administration expelled hundreds of Bedouins of the al-Jahalin tribe from the region in which they lived in order to establish and expand the settlement of Ma'ale Adumim. The residents were relocated to a permanent site that had been established for them near the Abu Dis landfill. About 3,000 of the area's residents face the threat of expulsion in view of the Civil Administration's plans. Most of these individuals live in an area that will become an enclave connecting Ma'ale Adumim to Jerusalem once the Separation Barrier is completed. About 1,400 of the residents facing expulsion live in the area defined as E1, allocated to the municipal jurisdiction of Ma'ale Adumim. Israel plans to build the new settlement of Mevasseret Adumim in E1, a settlement that will create a contiguous urban bloc between Ma'ale Adumim and Jerusalem.

The Jordan Valley: 2,700 individuals live in about twenty shepherding communities in or on the outskirts of areas in the Jordan Valley that the military has declared firing zones. The Civil Administration is taking various measures to prevent these communities from remaining in the area, including repeated home demolitions, temporary relocations for the purpose of military training, and confiscation of water tanks.

The South Hebron Hills: About a thousand individuals, half of whom are children, face the threat of expulsion from their homes and the destruction of their villages. The military had expelled residents from this area in late 1999, claiming that the area had been declared a "firing zone" in the 1980s. Pursuant to petitions by the residents to the High Court of Justice, the villagers were allowed to return to their homes pending a ruling on the petitions. Yet the permission was temporary, and the threat of expulsion persisted. New petitions regarding the expulsion are currently before the court.



Mother and daughter Zeinab and Rasmiya Abu 'Arram by their livestock pen in Khirbet Jenbah

The grim reality of constant demolitions, marked by a wave of demolitions that began in January and has persisted mercilessly through to the summer of 2016, makes the Palestinian communities in Area C a top priority for B'Tselem. Threat of demolitions of critical structures, including those funded by the European Union, donor states, and humanitarian agencies, and de facto expulsion, loom over communities in Area C. Dozens of communities in Area C, which are home to thousands of Palestinians living in the South Hebron Hills, the Jordan Valley or around the Ma'ale Adumim settlement, are living under imminent threat of dispossession.

These demolitions followed a particularly large and cruel demolition spree in August 2015, when the Civil Administration demolished structures in 29 villages and communities throughout Area C. In that month alone, Israeli authorities demolished 101 structures, including 50 residential structures which were home to 228 people, 124 of them minors. Since January 2016, authorities have demolished at least 147 dwellings and 150 structures of other kinds in Palestinian communities facing expulsion in Area C, leaving 563 persons homeless, including 305 minors. Dozens of the structures demolished since the beginning of the year had been donated by aid agencies and European countries.



Residents of Um al-Kheir in the South Hebron Hills, against the backdrop of a bulldozer destroying structures in the community.
Photo: Nasser Nawaj'ah, B'Tselem, 6 April 2016.

The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism



The role of the military law enforcement system has been narrowly defined: it investigates only specific incidents in which soldiers are suspected to have acted in breach of the orders or directives they were given. The system does not investigate the orders themselves nor the responsibility of those who issue them or determine the policy. As such, the system is oriented toward low ranking soldiers only, while senior military and government officials, including the Military Advocate General (MAG), are absolved in advance of any responsibility. Even if the system had fulfilled its tasks, its contribution to law enforcement would still remain limited.

Since B'Tselem was established more than 25 years ago, it has applied to the MAG Corps regarding hundreds of incidents in which Palestinians were harmed by soldiers, demanding the incidents be investigated. Some of B'Tselem's applications led to criminal investigations. B'Tselem assisted investigators in making arrangements for them to collect statements from Palestinian victims and eyewitnesses, and by obtaining medical records and other relevant documents.

Once the investigations were concluded, B'Tselem followed up with the MAG Corps to get information as to the case outcome. In some cases, B'Tselem appealed the MAG Corps' decision to close a case, and in a few instances, even petitioned Israel's High Court of Justice (HCJ) against a decision to close a case, or regarding unreasonable delays in the MAG Corps' processing of a case.

Since the second intifada began in late 2000, B'Tselem has demanded an investigation in 739 cases in which soldiers killed, injured, or beat Palestinians, used them as human shields, or damaged Palestinian property.

An analysis of the responses B'Tselem received as to how the military law enforcement system handled these 739 cases shows that in a quarter (182) no investigation was ever launched, in nearly half (343), the investigation was closed with no further action, and only in very rare instances (25), were charges brought against the implicated soldiers. Another thirteen cases were referred for disciplinary action. A total of 132 cases are still at various processing stages, and the MAG Corps was unable to locate 44 others.



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MAG Corps handling of incidents referred by B'Tselem – 2000-2015:

	Fatalities		Injuries	Beating	Damage to property	Human shield	Total
	Up to April 2011	Since April 2011 (subsequent to change in investigation policy)					
Decision whether to open investigation pending	3	4	1	10	3	3	24
No investigation opened	82	9	47	30	12	2	182
Under investigation	1	15	4	37	10	2	69
Case closed	32	13	38	199	46	15	343
In MAG processing	7	24	7	1	0	0	39
Indictment filed	6	2	4	11	2	0	25
Referred to disciplinary action	1	0	4	5	3	0	13
Communication not found	8	1	17	7	2	9	44
Total	140	68	122	300	78	31	739